

GIBSON, DUNN & CRUTCHER LLP
AUSTIN V. SCHWING, SBN 211696
aschwing@gibsondunn.com
JOSHUA D. DICK, SBN 268853
jdick@gibsondunn.com
PETER C. SQUERI, SBN 286249
psqueri@gibsondunn.com
KELSEY J. HELLAND, SBN 298888
khelland@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant JUUL LABS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC. PRODUCTS
LITIGATION

CASE NO. 18-cv-02499-WHO

**STIPULATION TO SHORTEN TIME RE
BRIEFING AND HEARING SCHEDULE
FOR DEFENDANT JUUL LABS, INC.'S
MOTION TO STAY PROCEEDINGS
PENDING JPML RULING AND TO
EXTEND DEADLINE TO FILE AMENDED
COMPLAINT**

Hon. William H. Orrick

Action Filed: April 26, 2018

Amended Complaint Filed: January 30, 2019

Pursuant to Local Rule 6-2, Plaintiffs and Defendant JUUL Labs, Inc. (“JLI”), by and through their undersigned counsel, stipulate as follows:

WHEREAS, on July 29, 2019, JLI filed with the Judicial Panel on Multidistrict Litigation (“JPML”) a motion to transfer and consolidate 10 actions, including the 4 actions pending in this litigation, as well as any tag-along actions (of which there are presently 19), for coordinated or consolidated pretrial proceedings pursuant to Section 1407. There are now presently a total of 29 cases before the JPML for its consideration.

WHEREAS, the JPML has confirmed that it will hear JLI’s motion on September 26, 2019.

WHEREAS, JLI plans to file a motion to stay proceedings in this litigation pending the JPML’s ruling on JLI’s motion.

WHEREAS, under Local Rule 7-2, any regularly noticed motion could not be heard until October 2, 2019, which is after the JPML’s hearing of JLI’s motion.

WHEREAS, on August 23, 2019, this Court issued an order granting in part and denying in part JLI’s motion to dismiss and granting Plaintiffs leave to file an amended complaint within 20 days of the order.

WHEREAS, the parties disagree on whether the case should be stayed pending a determination from the JPML on JLI’s MDL motion, including whether the deadline to file any amended complaint and response to that complaint should be stayed.

WHEREAS Plaintiffs intend to file an amended complaint, the current deadline for which is September 12, 2019.

WHEREAS Plaintiffs would like until September 19, 2019 to file an amended complaint.

WHEREAS JLI believes the case should be stayed, but is amenable to Plaintiffs’ requested time extension unless the case is stayed.

IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel of record, subject to the Court’s approval, that:

1. The following expedited briefing and hearing schedule will apply to JLI’s motion to stay:

August 28, 2019

Defendant’s Motion Filed

September 5, 2019

Plaintiffs' Opposition Due

September 9, 2019

Defendant's Reply Due

September 11, 2019 at 2:00 p.m.

Hearing (*if Court deems necessary*)

2. If the case is not stayed, Plaintiffs' deadline to file an amended complaint shall be September 19, 2019.

IT IS SO STIPULATED.

DATED: August 28, 2018

GIBSON, DUNN & CRUTCHER, LLP

By: /s/ Austin V. Schwing**

*** Pursuant to Civil L.R. 5-1(i)(3), the filer of the document has obtained the concurrence of all other signatories.*

Austin V. Schwing
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant JUUL Labs, Inc.

DATED: August 28, 2018

GUTRIDE SAFIER LLP

By: /s/ Anthony J. Patek

Nicholas Migliaccio (*pro hac vice*)
Jason Rathod (*pro hac vice*)
Esfand Nafisi (State Bar No. 320119)
MIGLIACCIO & RATHOD LLP
412 H Street NE, Suite 302
Washington, D.C. 20002
Telephone: (202) 470-3520
Facsimile: (202) 800-2730

Seth A. Safier (State Bar No. 197427)
Adam J. Gutride (State Bar No. 181446)
Todd Kennedy (State Bar No. 250267)
Anthony Patek (State Bar No. 228964)
GUTRIDE SAFIER LLP
100 Pine Street, Suite 1250
San Francisco, California 94111
Telephone: (415) 639-9090
Facsimile: (415) 449-6469

Attorneys for Plaintiffs in the *Colgate* action and Interim Class Counsel

PROPOSED ORDER

The above stipulation having been considered and good cause appearing therefore,

IT IS SO ORDERED.

Dated: September 3, 2019

A handwritten signature in black ink, appearing to read "W. H. Orrick", written over a horizontal line.

The Honorable William H. Orrick
UNITED STATES DISTRICT JUDGE